

Notice of Allowability

Application No.

10/041,753

Examiner

Phallaka Kik

Applicant(s)

FENNELL ET AL.

Art Unit

2825

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's after-final amendment filed on 9/15/2004 and interview conducted on 9/22/2004.
2. ☒ The allowed claim(s) is/are 23-46, wherein claims 1-22 are cancelled and claims 23-46 have been renumbered as 1-24.
3. ☒ The drawings filed on 18 April 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 9/22/2004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This Office Action responds to Applicant's after-final amendment filed on 9/15/2004 and interview conducted on 9/22/2004. Claims 23-46 are pending, wherein claims 1-22 were previously cancelled and claims 23,24,26-29,31-32,34-37,39-40,42-45 have been amended. Claims 23-46 have been examined and are allowed, wherein claims 38, 43, 44, and 46 are subjected the following Examiner's Amendment.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul A. Pysher (Reg. No. 40,780) on 9/22/2004.

The application has been amended as follows:

In the claims:

As per **claim 38**, "method" (line 1) has been replaced with --apparatus--.

As per **claim 43**, "apparatus" (line 1) has been replaced with --article--.

As per **claim 44**, "apparatus" (line 1) has been replaced with --article--.

As per **claim 46**, "method" (line 1) has been replaced with --article--.

Allowable Subject Matter

3. **Claims 23-46** are allowed.
4. The following is an examiner's statement of reasons for allowance:

As per **claims 23-46**, Applicant's amendment and arguments filed on 9/15/2004 set forth the patentability of Applicant's claimed invention, wherein as pointed out by Applicant, the prior arts made of record failed to teach or suggest testing a simulation model via a graphical user interface (GUI) using a hardware-configuration database interfaced to the simulation model and to the GUI, involving the steps/means of sending the query, receiving the location, sending the commands, and accessing the functional blocks information, as claimed (see After-Final Amendment filed on 9/15/2004, pages 9-11). Other prior arts made of record similarly failed to teach or suggest the inventive steps/means as claimed. Accordingly, the claimed invention is novel and un-obvious over the prior arts made of record.

Conclusion

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phallaka Kik whose telephone number is 571-272-1895. The examiner can normally be reached on Monday-Friday, 9:30AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

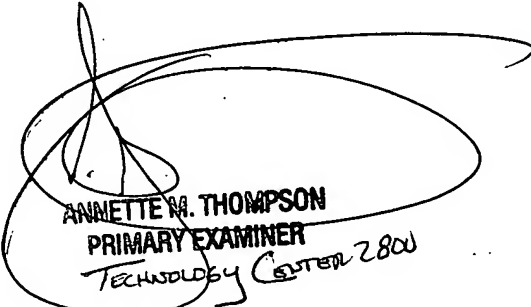
or faxed to:

703-872-9318 (for Before-Final) and 703-872-9319 (for After-Final) for formal communications intended for entry,

Or:

(571) 273-1895 (for informal or draft communications, please label "PROPOSED" or "DRAFT" and let the examiner know prior to faxing).

PK 
September 22, 2004


ANNETTE M. THOMPSON
PRIMARY EXAMINER
Technology Center 2800